

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL S. MILEY, a/k/a MICHAEL S. MILLER, <div style="text-align: right;">Plaintiff,</div> <div style="text-align: center;">vs.</div> KARLA WEBB, Counselor; BENJAMIN MARTINEZ, Chairman; and PENNSYLVANIA BOARD OF PAROLE AND PROBATION, <div style="text-align: right;">Defendants.</div>	} } } } } } } } } } } } } } }	No. 04-365 Erie Judge McLaughlin Magistrate Judge Baxter
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MOTION FOR ENLARGEMENT OF TIME

AND NOW, come the defendants, Webb, Martinez and the Pennsylvania Board of Parole and Probation (hereinafter "the Commonwealth Defendants"), by their attorneys, Thomas W. Corbett, Jr., Attorney General; Scott A. Bradley, Senior Deputy Attorney General, and Susan J. Forney, Chief Deputy Attorney General, Chief, Litigation Section, and move for an enlargement of time within which to answer the instant Complaint:

1. Plaintiff filed this action asserting civil rights claims against his Counselor, Webb, as well as the Pennsylvania Board of Parole and Probation ("the Board") and its Chairman, Martinez. Particularly, Plaintiff alleges that the requirement that he participate in a sex offender treatment program pursuant to a Pennsylvania statute (42 Pa. C.S. § 9718.1) violates the *ex post facto* Clause of the United States Constitution.

2. The Commonwealth Defendants waived service of the Complaint and, accordingly, their answer or other response to the Complaint was due on or before June 24, 2005.

3. Undersigned counsel for the Commonwealth Defendants is in the process of obtaining and reviewing documents and other information necessary to address Plaintiff's claims.

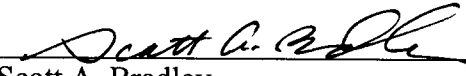
4. Consequently, additional time is yet required to answer or otherwise respond to the allegations made against the Commonwealth Defendants in Plaintiff's Complaint.

WHEREFORE, the Commonwealth Defendants respectfully request an enlargement of time of thirty (30) days, or until July 24, 2005, within which to answer or otherwise respond to the Complaint in this matter.

Respectfully submitted,

THOMAS W. CORBETT, JR
Attorney General

Office of Attorney General
6th Floor, Manor Complex
564 Forbes Avenue
Pittsburgh, PA 15219
Phone: (412) 565-3586
Fax: (412) 565-3019



Scott A. Bradley
Senior Deputy Attorney General
Attorney I.D. No. 44627

Susan J. Forney
Chief Deputy Attorney General

Date: June 30, 2005

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL S. MILEY,
a/k/a MICHAEL S. MILLER,
Plaintiff,

vs.

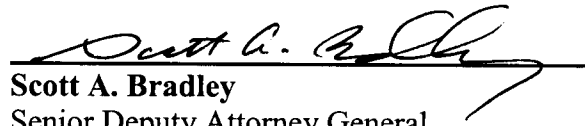
KARLA WEBB, Counselor;
BENJAMIN MARTINEZ, Chairman;
and PENNSYLVANIA BOARD OF
PAROLE AND PROBATION,
Defendants.

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}
} No. 04-365 Erie
} Judge McLaughlin
} Magistrate Judge Baxter
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CERTIFICATE OF SERVICE

I, Scott A. Bradley, Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on June 30, 2005, I caused to be served a true and correct copy of the foregoing document titled **Motion for Enlargement of Time** by First Class Mail to the following:

Michael Miley, EM-5931
State Correctional Institution
at Albion
10745 Route 18
Albion, PA 16475-0002


Scott A. Bradley
Senior Deputy Attorney General



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

June 30, 2005

TOM CORBETT
ATTORNEY GENERAL

Litigation Section
6th Floor, Manor Complex
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Pittsburgh, PA 15219
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Fax: (412) 565-3019

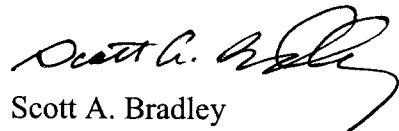
Clerk's Office
United States District Court
for the Western District
of Pennsylvania
P.O. Box 1820
Erie, Pennsylvania 16507

Re: Miley vs. Webb, et al.,
No. 04-365 Erie

Dear Clerk:

Please file the enclosed **Motion for Enlargement of Time** on behalf of the Commonwealth Defendants in the above-captioned case.

Sincerely yours,


Scott A. Bradley
Senior Deputy Attorney General

SAB:pm
Enclosure

cc: Michael Miley, EM-5931